## Before the Federal Communications Commission Washington, D.C. 20554

In the Matter of	File No.: EB-01-DV-444
)	NAL/Acct. No. 200232800006
Mount Rushmore Broadcasting, Inc.	FRN 0005-0081-23
)	
Licensee, Station KAWK(FM)	
Custer, South Dakota	
Facility ID #43916	

## FORFEITURE ORDER

Adopted: October 24, 2002 Released: October 29, 2002

By the Chief, Enforcement Bureau:

- 1. In this *Forfeiture Order* ("*Order*"), we issue a monetary forfeiture in the amount of ten thousand dollars (\$10,000) to Mount Rushmore Broadcasting, Inc., ("Mount Rushmore") licensee of Station KAWK(FM), Custer, South Dakota, for willful violation of Section 301 of the Communications Act of 1934, as amended ("Act"). The noted violation involves the operation of an unlicensed aural broadcast auxiliary station without Commission authorization.
- 2. On May 31, 2002, the District Director of the Commission's Denver, Colorado Field Office ("Denver Office") issued a *Notice of Apparent Liability for Forfeiture* ("*NAL*")<sup>2</sup> in the amount of \$10,000. Mount Rushmore has not filed a response to the *NAL*. Based on the information before us, we affirm the forfeiture.
- 3. **ACCORDINGLY, IT IS ORDERED THAT**, pursuant to Section 503(b) of the Act,<sup>3</sup> and Sections 0.111, 0.311 and 1.80(f)(4) of the Commission's Rules,<sup>4</sup> Mount Rushmore **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$10,000 for willfully violating Section 301 of the Act.
- 4. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules<sup>5</sup> within 30 days of the release of this *Order*. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.<sup>6</sup> Payment shall be made by mailing a check or similar instrument, payable to the order of the "Federal Communications Commission," to the Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note NAL/Acct. No. 200232800006, and FRN 0005-

 $^2$  Notice of Apparent Liability for Forfeiture, NAL/Acct. No. 200232800006 (Enf. Bur., Denver Office, released May 31, 2002).

<sup>&</sup>lt;sup>1</sup> 47 U.S.C. § 301

<sup>&</sup>lt;sup>3</sup> 47 U.S.C. § 503(b).

<sup>&</sup>lt;sup>4</sup> 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).

<sup>&</sup>lt;sup>5</sup> 47 C.F.R. § 1.80.

<sup>&</sup>lt;sup>6</sup> 47 U.S.C. § 504(a).

- 0081-23. Requests for full payment under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.<sup>7</sup>
- 5. **IT IS FURTHER ORDERED THAT** this *Order* shall be sent by regular mail and by certified mail, return receipt requested, to Jan Gray, President, Mount Rushmore Broadcasting, Inc., 218 N. Wolcott St., Caspar, Wyoming 82601.

## FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon Chief, Enforcement Bureau

<sup>&</sup>lt;sup>7</sup> See 47 C.F.R. § 1.1914.